

**281.875 Administrative regulations governing human service transportation delivery program -- Requirement for documentation -- Preferential treatment by cabinet prohibited -- Handbook.**

- (1) The cabinet shall promulgate administrative regulations governing, but not limited to, the following provisions of the human service transportation delivery program:
  - (a) Establishment of one (1) or more specific delivery areas;
  - (b) The length of the term of the contract to be signed with a broker and the criteria to be used to terminate a contract;
  - (c) Contractual matters to be specified in a request for proposals from brokers including, but not limited to:
    1. Establishment and maintenance of a central business office within the delivery area;
    2. Staffing requirements for the central business office;
    3. Collection and retention of records to be maintained by each broker and subcontractor;
    4. Collection and retention of encounter data on each trip made by the broker if the broker provides transportation services and by each subcontractor. Failure of a broker to record all data required by the cabinet for all trips the broker provided under the human service transportation delivery program shall be grounds for the cabinet to terminate the broker's contract;
    5. Reporting of all traffic accidents and moving violations involving either a broker or subcontractor; and
    6. Submission of annual financial reports by each broker;
  - (d) Criteria for evaluating and selecting a broker subject to the provisions of subsections (2) and (3) of this section;
  - (e) Identification of all federal statutes, federal rules, and federal administrative regulations with which state agencies, brokers, and subcontractors must comply;
  - (f) Uniform criteria for establishing capitated rates, fees, and reimbursement procedures for all delivery areas, including a mandate that brokers shall have all reports necessary for payment to the cabinet not later than the seventh of each month. The mandate shall also include a requirement that the cabinet shall pay brokers not later than the fifteenth of each month if the broker has submitted all required reports. A broker shall promptly reimburse subcontractors within three (3) business days of payment by the cabinet;
  - (g) Uniform responsibilities for all brokers and subcontractors including provisions for reservations and trip assignments, quality assurance, administrative oversight, and reporting;
  - (h) Uniform criteria for contractual agreements between subcontractors and brokers in all delivery areas;

- (i) Uniform criteria governing the authorized provision of transportation services offered by brokers in all delivery areas;
- (j) Uniform guidelines brokers shall be required to adopt to educate persons in the delivery area regarding:
  - 1. Procedures for scheduling transportation services including the broker's normal hours of operation and how to schedule transportation after normal hours of operation, including Sundays and all holidays;
  - 2. Rates for services;
  - 3. Information the person shall be required to provide the broker when requesting transportation;
  - 4. Types of eligible transportation, including pick-up and delivery standards and reasons service may be denied;
  - 5. Permissibility of escorts and attendants;
  - 6. Procedures governing requests for urgent care;
  - 7. Standards for driver conduct;
  - 8. Standards for passenger conduct; and
  - 9. Oral and written instructions governing the complaint process and how to lodge a complaint against a subcontractor or broker;
- (k) Vehicle requirements governing all vehicles operated by brokers or subcontractors to transport persons under the human service transportation delivery program;
- (l) Driver qualifications including driver, attendant, and service personnel training;
- (m) Minimum standards to be included in a mandatory orientation program provided by the broker for all subcontractors in the delivery area;
- (n) Minimum standards governing volunteer and public transportation services;
- (o) Minimum standards governing an operational procedures manual to be developed by all brokers;
- (p) Minimum standards governing a quality assurance plan to be developed by all brokers;
- (q) Performance monitoring by the cabinet of brokers and subcontractors; and
- (r) Standards governing uniform software that all brokers shall be required to use to ensure the uniform collection of data and to facilitate the production and analysis of uniform reports relating to the human service transportation delivery system.
- (2) A person that submits a request for proposal to be a broker under the human service transportation delivery program shall be required to submit documentation that he or she has at least one (1) year experience working with persons with special needs.
- (3) The cabinet shall be prohibited from awarding higher scores, or giving any type of preferential treatment to, any person that submits a request for proposal to be a

broker who is also a transportation provider over a person who submits a request to be a broker but who is not a transportation provider.

- (4) The cabinet shall develop a handbook specifying standard operating procedures, which shall be distributed to all providers and shall be made available to the general public.

**Effective:** July 14, 2000

**History:** Created 2000 Ky. Acts ch. 346, sec. 7, effective July 14, 2000.

**Legislative Research Commission Note** (7/14/2000). Under 2000 Ky. Acts ch. 346, sec. 16, subsection (4) of this statute takes effect March 1, 2001.